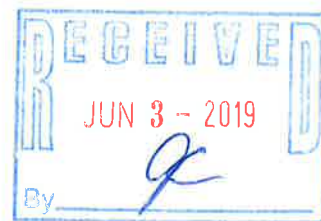


# **WETLANDS AND SUBAQUEOUS LANDS SECTION PERMIT APPLICATION FORM**

**For Subaqueous Lands, Wetlands, Marina and  
401 Water Quality Certification Projects**

**State of Delaware  
Department of Natural Resources and Environmental Control  
Division of Water**

**Wetlands and Subaqueous Lands Section**



**APPLICATION FOR APPROVAL OF  
SUBAQUEOUS LANDS, WETLANDS, MARINA  
AND WATER QUALITY CERTIFICATION PROJECTS**

**PLEASE READ THE FOLLOWING INSTRUCTIONS CAREFULLY****Application Instructions:**

1. Complete each section of this basic application and appropriate appendices as thoroughly and accurately as possible. Incomplete or inaccurate applications will be returned.
2. All applications must be accompanied by a scaled plan view and cross-section view plans that show the location and design details for the proposed project. Full construction plans must be submitted for major projects.
3. All applications must have an original signature page and proof of ownership or permitted land use agreement.
4. Submit an original and two (2) additional copies of the application (total of 3) with the appropriate application fee and public notice fee\* (prepared in separate checks) to:

**Department of Natural Resources and Environmental Control  
Wetlands and Subaqueous Lands Section  
89 Kings Highway  
Dover, Delaware 19901**

\*Application and public notice fees are non-refundable regardless of the Permit decision or application status.

5. No construction may begin at the project site before written approval has been received from this office.

**Helpful Information:**

1. Tax Parcel Information:

New Castle County	(302) 395-5400
Kent County	(302) 736-2010
Sussex County	(302) 855-7878
2. Recorder of Deeds:

New Castle County	(302) 571-7550
Kent County	(302) 744-2314
Sussex County	(302) 855-7785
3. A separate application and/or approval may be required through the Army Corps of Engineers. Applicants are strongly encouraged to contact the Corps for a determination of their permitting requirements. For more information, contact the Philadelphia District Regulator of the Day at (215) 656-6728 or visit their website at: <http://www.nap.usace.army.mil/Missions/Regulatory.aspx>.
4. For questions about this application or the Wetlands and Subaqueous Lands Section, contact us at (302) 739-9943 or visit our website at: <http://www.dnrec.delaware.gov/wr/Services/Pages/WetlandsAndSubaqueousLands.aspx>. Office hours are Monday through Friday 8:00 AM to 4:30 PM, except on State Holidays.



## APPLICANT'S REVIEW BEFORE MAILING

### DID YOU COMPLETE THE FOLLOWING?

- |              |  |
|--------------|--|
| <u>✓</u> Yes | BASIC APPLICATION  |
| <u>✓</u> Yes | SIGNATURE PAGE (Page 3)  |
| <u>✓</u> Yes | APPLICABLE APPENDICES  |
| <u>✓</u> Yes | SCALED PLAN VIEW   |
| <u>✓</u> Yes | SCALED CROSS-SECTION OR ELEVATION VIEW PLANS   |
| <u>✓</u> Yes | VICINITY MAP   |
| <u>✓</u> Yes | COPY OF THE PROPERTY DEED & SURVEY   |
| <u>✓</u> Yes | THREE (3) COMPLETE COPIES OF THE APPLICATION PACKET  |
| <u>✓</u> Yes | APPROPRIATE APPLICATION FEE & PUBLIC NOTICE FEE<br>(Separate checks made payable to the State of Delaware) |

Submit 3 complete copies of the application packet to:

Department of Natural Resources and Environmental Control  
Wetlands and Subaqueous Lands Section  
89 Kings Highway  
Dover, Delaware 19901



Before signing and mailing your application packet, please read the following:

The Department requests that the contractor or party who will perform the construction of your proposed project, if other than the applicant, sign the application signature page along with the applicant in the spaces provided. When the application is signed by the contractor as well as the applicant, the Department will issue the Permit to both parties. For Leases, the contractor will receive a separate construction authorization that will make them subject to all of the terms and conditions of the Lease relating to the construction

## Section 1: Applicant Identification

1. Applicant's Name: Michael Maxwell Telephone #: 202-872-3055  
 Mailing Address: Delmarva Power & Light Fax #:  
PO Box 1739 E-mail: mwmaxwell@pepco.com  
Salisbury, Maryland 21802
2. Consultant's Name: Daniel Lucey Company Name: Sovereign Consulting, Inc.  
 Mailing Address: 50 West Welsh Pool Road, Suite 6 Telephone #: 703-732-3162  
Exton, Pennsylvania 19341 Fax #:  
 E-mail: dlucey@sovcon.com
3. Contractor's Name: Company Name:  
 Mailing Address: Telephone #:  
 Fax #:  
 E-mail:

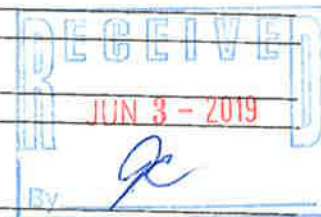
## Section 2: Project Description

4. Check those that apply:  
☒ New Project/addition to existing project? ☐ Repair/Replace existing structure? (If checked, must answer #16)
5. Project Purpose (attach additional sheets as necessary):  
In an effort to maintain and enhance electric service reliability, the Applicant proposes to install a 25kV electric power distribution line through a sixteen (16) inch diameter bore cavity under Whites Creek in order to create a looped circuit as customers in this area are currently served by a radial (i.e. dead end) circuit.
6. Check each Appendix that is enclosed with this application:

<input type="checkbox"/> A. Boat Docking Facilities	<input type="checkbox"/> G. Bulkheads	<input type="checkbox"/> N. Preliminary Marina Checklist
<input type="checkbox"/> B. Boat Ramps	<input type="checkbox"/> H. Fill	<input type="checkbox"/> O. Marinas
<input type="checkbox"/> C. Road Crossings	<input type="checkbox"/> I. Rip-Rap Sills and Revetments	<input type="checkbox"/> P. Stormwater Management
<input type="checkbox"/> D. Channel Modifications/Dams	<input type="checkbox"/> J. Vegetative Stabilization	<input type="checkbox"/> Q. Ponds and Impoundments
<input checked="" type="checkbox"/> E. Utility Crossings	<input type="checkbox"/> K. Jetties, Groins, Breakwaters	<input type="checkbox"/> R. Maintenance Dredging
<input type="checkbox"/> F. Intake or Outfall Structures	<input type="checkbox"/> M. Activities in State Wetlands	<input type="checkbox"/> S. New Dredging

## Section 3: Project Location

7. Project Site Address: See Attachment 4 County: ☐ N.C. ☐ Kent ☒ Sussex  
 Site owner name (if different from applicant):  
 Address of site owner:
8. Driving Directions: See Attachment 4
- (Attach a vicinity map identifying road names and the project location)
9. Tax Parcel ID Number: See Attachment 10 Subdivision Name:



WSLS Use Only:		Permit #s: <u>213/19</u>	
Type	SP <input type="checkbox"/> SL <input checked="" type="checkbox"/> SU <input type="checkbox"/> WE <input type="checkbox"/> WQ <input type="checkbox"/> LA <input type="checkbox"/> SA <input type="checkbox"/> MP <input type="checkbox"/> WA <input type="checkbox"/>		
Corps Permit: SPGP 18 <input type="checkbox"/> 20 <input type="checkbox"/> Nationwide Permit #:		Individual Permit #	
Received Date: <u>6/5/19</u>		Project Scientist:	
Fee Received? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		Receipt #: <u>912711</u>	
Public Notice #:		Public Notice Dates: ON OFF	

85" PD 912712



**Section 3: Project Location (Continued)**

10. Name of waterbody at Project Location: Whites Creek waterbody is a tributary to: Indian River Bay
11. Is the waterbody: ☒ Tidal ☐ Non-tidal Waterbody width at mean low or ordinary high water 453 ft (MLW)
12. Is the project: ☒ On public subaqueous lands? ☐ On private subaqueous lands?\*
- ☒ In State-regulated wetlands? ☒ In Federally-regulated wetlands?

\*If the project is on private subaqueous lands, provide the name of the subaqueous lands owner:  
See Attachment 11 for a copy of the Applicant's ROW agreements

(Written permission from the private subaqueous lands owner must be included with this application)

13. Present Zoning: ☐ Agricultural ☒ Residential ☐ Commercial ☐ Industrial ☐ Other

**Section 4: Miscellaneous**

14. A. List the names and complete mailing addresses of the immediately adjoining property owners on all sides of the project (attach additional sheets as necessary):

See Attachment 10 for a list of Adjacent Property Owners

- B. For wetlands and marina projects, list the names and complete mailing addresses of property owners within a 1,000 foot radius of the project (attach additional sheets as necessary):

See Attachment 10 for a list of Riparian Property Owners

15. Provide the names of DNREC and/or Army Corps of Engineers representatives whom you have discussed the project with:

- A. Have you had a State Jurisdictional Determination performed on the property?

☐ Yes ☒ No

- B. Has the project been reviewed in a monthly Joint Permit Processing Meeting?

☐ Yes ☒ No

\*If yes, what was the date of the meeting?

16. Are there existing structures or fill at the project site in subaqueous lands?

☐ Yes ☒ No

\*If yes, provide the permit and/or lease number(s):

\*If no, were structures and/or fill in place prior to 1969?

☐ Yes ☒ No

17. Have you applied for or obtained a Federal permit from the Army Corps of Engineers?

☐ No

☒ Pending

☐ Issued

☐ Denied

Date: \_\_\_\_\_

Type of Permit: NWP 12

Federal Permit or ID #: \_\_\_\_\_

18. Have you applied for permits from other Sections within DNREC?

☒ No

☐ Pending

☐ Issued

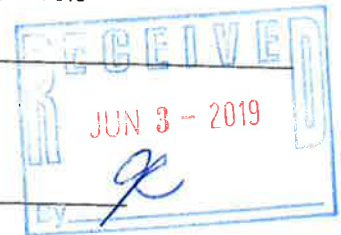
☐ Denied

Date: \_\_\_\_\_

Permit or ID #: \_\_\_\_\_

Type of permit (circle all that apply): Septic Well NPDES Storm Water

Other: \_\_\_\_\_



**Section 5: Signature Page****19. Agent Authorization:**

If you choose to complete this section, all future correspondence to the Department may be signed by the duly authorized agent. In addition, the agent will become the primary point of contact for all correspondence from the Department.

I do not wish to authorize an agent to act on my behalf ☐

I wish to authorize an agent as indicated below ☒

I, Michael Maxwell, hereby designate and authorize Daniel Lucey  
(Name of Applicant) (Name of Agent)  
to act on my behalf in the processing of this application and to furnish any additional information requested by the Department.

Authorized Agent's Name: Daniel Lucey  
Mailing Address: 50 West Welsh Pool Road  
Suite 6  
Exton, Pennsylvania 19341

Telephone #: 703-732-3162  
Fax #: \_\_\_\_\_  
E-mail: dlucey@sovcon.com

**20. Agent's Signature:**

I hereby certify that the information on this form and on the attached plans are true and accurate to the best of my knowledge. I further understand that the Department may request information in addition to that set forth herein if deemed necessary to appropriately consider this application.

Agent's Signature

05/30/2019

Date

**21. Applicant's Signature:**

I hereby certify that the information on this form and on the attached plans are true and accurate to the best of my knowledge and that I am required to inform the Department of any changes or updates to the information provided in this application. I further understand that the Department may request information in addition to that set forth herein if deemed necessary to appropriately consider this application. I grant permission to authorized Department representatives to enter upon the premises for inspection purposes during working hours.

Applicant's Signature

Date

Michael Maxwell, VP of Support Services - Delmarva Power & Light  
Print Name

**22. Contractor's Signature:**

I hereby certify that the information on this form and on the attached plans are true and accurate to the best of my knowledge, and that I am required to inform the Department of any changes or updates to the information provided in this application. I further understand that the Department may request information in addition to that set forth herein if deemed necessary to appropriately consider this application.

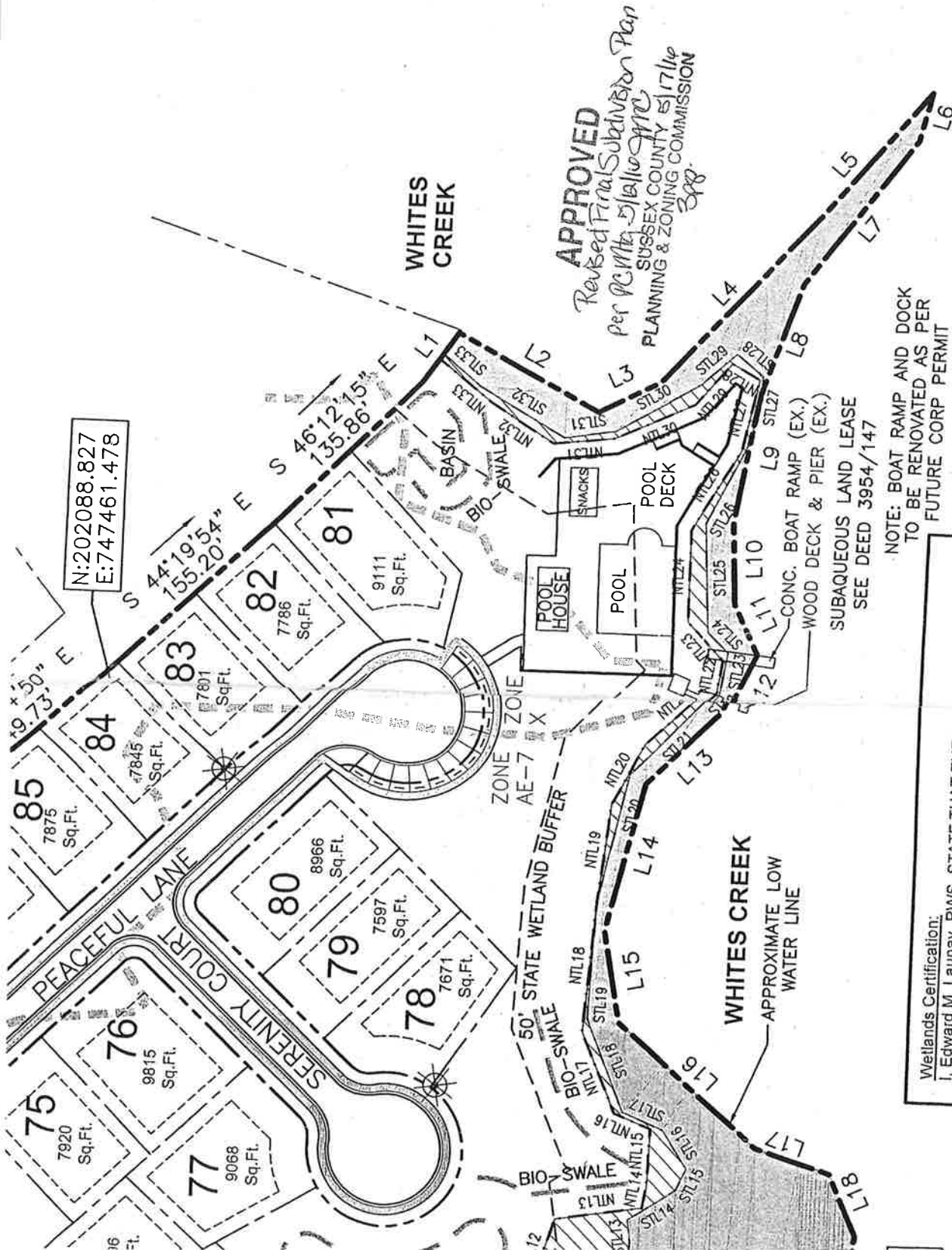
Contractor's Name

Date

Print Name

# SOLITUDE ON WHITES CREEK

FINAL SITE PLAN



## Utility Crossings

Please respond to each question. Questions left blank may result in the application being returned as incomplete. In addition, the answers to all of the questions in this Appendix must correspond accurately to the information on the plan and section view drawings for the project.

1. Please indicate the total number of subaqueous lands crossings associated with the project here:  
1 Complete a separate Appendix E for each crossing.
2. The information below is for Crossing # 1.

## General Information

3. What type of utility is being installed and what is its diameter?
- |                                      |                      |                                 |                      |
|--------------------------------------|----------------------|---------------------------------|----------------------|
| <u>      </u> wastewater pipeline    | <u>      </u> inches | <u>✓</u> electric line          | <u>16</u> inches     |
| <u>      </u> water line             | <u>      </u> inches | <u>      </u> TV/cable          | <u>      </u> inches |
| <u>      </u> gas line               | <u>      </u> inches | <u>      </u> fiber optic cable | <u>      </u> inches |
| <u>      </u> other (describe) _____ |                      |                                 | <u>      </u> inches |

4. What is the total length of the crossing relative to:

MHW 482 ft. MLW 453 ft. OHW 510 ft.

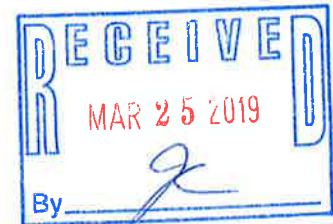
5. What is the total area of impact for the crossing relative to:

MHW 643 sq. ft. MLW 603 sqft. OHW 680 sq. ft.

6. What is the method of installation for the crossing:

☒ directional bore    ☐ trench    ☐ blasting    ☐ plow

If another method of installation will be utilized, please describe here:



7. Briefly outline the construction sequence for placement of the structure:

A pilot hole will be drilled starting on the east side of Whites Creek. Once the drill pipe reaches the west side the hole will be reamed by pulling the pipe and a reamer back from west to east. After the hole is reamed to 16" in diameter a bundle of four 4-inch diameter conduit bundles will be pulled from the west side to the east side. Once the conduit is pulled through the hole the electrical connections will be made on either side of the creek.

8. Will dredging, excavating, or filling be required? ☐ Yes ☒ No

If "yes", complete the appropriate dredging appendix and/or fill appendix and include them with your application.



9. Will there be any permanent towers, poles, platforms or other structures (excluding submarine cables) on subaqueous land or in wetlands? \_\_\_\_ Yes ☒ No

If "yes", give the number of structures, and provide a description, including square footage and material (the location of all structures must be shown on the plans or the application cannot be processed).

10. At what depth will the subaqueous crossing be placed below the bottom of the waterbody? 20 ft.  
At what height will an aerial crossing be above MHW? \_\_\_\_\_ feet

11. Is the crossing in, on, over or under public (undeeded) or private subaqueous lands?

☒ Public ☒ Private

If private, who is/are the property holder(s)? Foreside Group, LLC & Tac Beacon, LLC

Provide a copy of any deed, ROW or easement granting access if the private property owner is other than the applicant.

See Attachment 11 for a copy of the ROW agreements

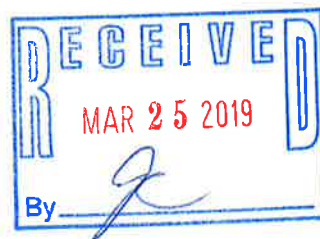
12. Is the crossing adjacent to subaqueous lands on State-owned property? \_\_\_\_ Yes ☒ No

If so, which State agency is the owner? \_\_\_\_\_

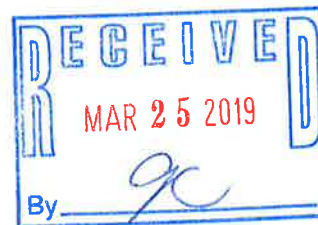
Is the crossing within a DelDOT right of way? \_\_\_\_ Yes ☒ No

13. Please include evidence of written permission from the private land owner above (if other than the applicant).

See Attachment 11 for a copy of the Applicant's ROW Agreements



**Attachment 3**  
**Project Description**



## **Written Description of Project**

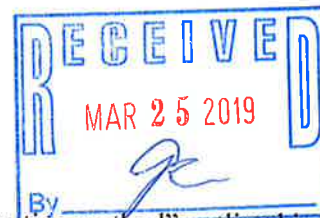
In an effort to maintain and enhance electric service reliability, Delmarva Power & Light (DPL) proposes to install a 25kV electric power distribution feeder (DE0531) under Whites Creek by pulling four (4) four-inch diameter conduits through a sixteen (16) inch diameter cavity through the use of a horizontal directional drill (HDD). Customers in the vicinity of the project are currently served by a radial (i.e. dead end circuit). Therefore, the purpose of the new 25kV line is to create a looped circuit which will allow electric service to feed from multiple directions in the event of an outage.

A bore rig will be setup within upland areas on the east side of the project near Daisey Avenue and conduit will be staged on the west side of the project near Peaceful Lane to be pulled back through the hole created by the drill bit. The HDD design proposes that the conduit will be located at least twenty (20) feet below the bed of Whites Creek.

A bathymetric survey of Whites Creek was performed by KCI Technologies, Inc. (KCI). Data from the KCI survey was utilized to create plan and profile drawings depicting the proposed HDD bore path. It is not anticipated that any excavation or fill within tidal or non-tidal wetlands will occur as a result of this project. All work is planned to occur within upland areas. However, given the proximity of the upland work areas to tidal wetlands and Whites Creek, erosion controls, site stabilization and DPL HDD boring protocols will be utilized as a best management practices to minimize the amount of sediment that could potentially migrate into jurisdictional areas during a storm event. Copies of applicable DPL BMPs are provided within Attachment 9.

The longitude and latitude for the termini of project location are as follows:

Eastern Terminus	75° 05' 40.51"W	38° 33' 15.78"N
Western Terminus	75° 05' 49.96"W	38° 33' 14.05"N



## **Environmental Impacts**

The project area was delineated on January 19, 2019 following the "routine method" outlined in the U.S. Army Corps of Engineers 1987 Wetlands Delineation Manual, as modified by the Corps Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Atlantic and Gulf Coastal Plain Region Version 2.0 (November 2010). A full copy of Sovereign's wetland delineation report is provided within Attachment 6. Within the project limits, one wetland, Wetland A, was identified.

Wetland A is a complex of estuarine emergent (E2EM) and estuarine unconsolidated bottom (E1UBL) wetlands associated with Whites Creek. The creek spans the majority of the project area. Vegetation was limited throughout the wetland and includes smooth cordgrass (*Spartina alterniflora*), and high-tide bush (*Iva frutescens*). The soil is a dark brown sandy loam with depleted matrix (10YR 4/1) and meets the indicator status of F3 (depleted matrix). Signs of hydrology include surface water, geomorphic position, and FAC-Neutral test.

There are no permanent impacts associated with this project. The bore path under Whites Creek measured from the edge of delineated tidal wetlands is 510 linear feet. Therefore, given that the diameter of the bore is 16 inches (1.3 feet), temporary impacts due to the bore traveling below Whites Creek are anticipated to be 680 square feet (0.01 acre). Environmental impact drawings are provided within Attachment 5.

#### Agency Consultation

Sovereign consulted with the DNREC Division of Fish and Wildlife and the United States Fish and Wildlife Service to determine whether the project will result in adverse impacts to threatened and endangered species. Below is a summary of the responses from each agency; please refer to Attachment 8 for copies of the agency response letters.

#### DNREC Division of Fish and Wildlife

The DNREC Division of Fish and Wildlife reviewed the proposed project for any potential adverse impacts to rare, threatened or endangered species, unique natural communities and other significant natural resources. According to their review which is documented in their February 28, 2019 response letter, there are no state or federal listed rare, threatened or endangered species present within the project area.

However, DNREC recommends a time of year restriction for in-stream work from March 1<sup>st</sup> through September 30<sup>th</sup> to protect species such as Summer Flounder, American Eel and Horseshoe Crabs.

#### USFWS

According to the USFWS auto-generated species list dated February 20, 2019, there are no federally proposed or listed endangered or threatened species or critical habitat within the project area. However, USFWS notes that there are several species of migratory birds which could be present within the project area.

Sovereign conducted a visual raptor nest survey for bald eagle (*Haliaeetus leucocephalus*) and osprey (*Pandion haliaetus*) nests within the project limits on January 22, 2019. There were no nests identified during the visual survey (see Attachment 7 for details). As such, a biological assessment or further Section 7 Consultation with USFWS is not required.

